

Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1, 10, 12, 15, and 20-22 are amended and claims 4-5 and 16 are canceled. These amendments to the claims constitute a bona fide attempt by applicant to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., page 13, line 18 to page 14, line 6; page 16, line 10 to page 17, line 2), figures (e.g., FIGS. 1, 6, and 8), and claims and thus, no new matter has been added. Claims 1-3, 6-15, and 17-22 are pending.

Allowable Subject Matter:

Claims 10 and 12 were objected to as being dependent upon rejected base claim 1, but were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge this indication of allowability, and have rewritten claims 10 and 12 in independent form including all of the limitations of the base claim and any intervening claims.

Claim 20 was objected to as being dependent upon rejected base claim 15, but was indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge this indication of allowability, and have rewritten claim 20 in independent form including all of the limitations of the base claim and any intervening claims (there were none).

An indication of allowance of claims 10, 12, and 20 is therefore respectfully requested.

Claim Rejections - 35 U.S.C. §§ 102 and 103

Claims 1-9, 11, 14-19, 21, and 22 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Sites et al. (U.S. Patent No. 5,515,159; "Sites"). Claim 13 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sites in view of Fox et al. (U.S. Patent No. 4,747,299; "Fox"). These rejections are respectfully, but most strenuously, traversed.

It is well-settled that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function. Since the Office Action's citations to each of the applied references is missing at least one element of each of applicants' independent claims, applicants respectfully submit that the claimed invention is not anticipated by the Office Action's citations to the applied references, as further discussed below.

Applicants respectfully submit that the Office Action's citations to the applied references, with or without modification or combination, assuming, *arguendo*, that the modification or combination of the Office Action's citations to the applied references is proper, do not teach or suggest one or more elements of the claimed invention, as further discussed below.

For explanatory purposes, applicants discuss herein one or more differences between the Office Action's citations to the applied references and the claimed invention with reference to one or more parts of the applied references. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the Office Action's citations to the applied references correspond to the claimed invention.

Applicants respectfully submit that the Office Action's citations to the applied references do not teach or suggest one or more elements of the claimed invention. A careful reading of the Office Action's citations to the applied references fails to teach or suggest, for example, the

radiation wavelengths that reflect off a carrier of the one or more of the one or more packaging materials to the one or more imaging devices, as recited in applicants' independent claim 1.

Sites (column 5, line 57 to column 6, line 2) discloses:

As to the embodiment shown in FIG. 8, where markings are previously placed on the package 14' to define the seal area for substantially transparent and highly light transmissive seals 12', a system having only diffused backlighting need be used since the only task now is to locate and classify defects as in FIG. 7. In FIG. 8, the low incident angle structured lighting system is eliminated and only a diffused backlighting system 123 including the diffuser 124, the electric lamp 126 and reflector 128 are positioned below the conveyor 42 which again requires transparent sections 43 so that uniform backlighting can be transmitted through the package 14' and seal 12' to, for example, cameras 36-1 and 36-2.

Sites discloses diffuse backlighting through the package. The Office Action's citation to Sites fails to disclose lighting that reflects off a carrier of the package (e.g., the conveyor 42). Simply missing from the Office Action's citation to Sites is any mention of the radiation wavelengths that reflect off a carrier of the one or more of the one or more packaging materials to the one or more imaging devices, as recited in applicants' independent claim 1.

So, the Office Action's citation to Sites fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

The shortcomings of the Office Action's citation to Sites relative to certain elements of the claimed invention have been discussed above. The Office Action proposes a combination of the citation to Sites with a citation to Fox. However, the Office Action's citation to Fox does not overcome the deficiency of the Office Action's citation to Sites. Applicants respectfully submit that the proposed combination of the Office Action's citation to Sites with the Office Action's citation to Fox fails to provide the required approach, assuming, *arguendo*, that the combination of the Office Action's citation to Sites with the Office Action's citation to Fox is proper.

Fox (Abstract, lines 1-12) discloses:

A method of testing the integrity of a package seal (14) provided between a container portion (11) and a lid portion (12), includes the steps of: initially reducing the pressure acting on the outer surface of the container portion to cause the lid portion to bow inwardly to a position of substantially maximum concavity while maintaining the ullage volume within the package substantially constant; further reducing the pressure acting on the outer surface of the container portion to distend the container portion for increasing the volume of the ullage space; and sensing for a change in position of the distended container wall.

Fox discloses the sending for the change in position of the distended container wall. The Office Action's citation to Fox fails to disclose reflecting light off a carrier of the container portion. Simply missing from the Office Action's citation to Fox is any mention of the radiation wavelengths that reflect off a carrier of the one or more of the one or more packaging materials to the one or more imaging devices, as recited in applicants' independent claim 1.

So, the Office Action's citation to Fox fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

The Office Action's citations to Sites and Fox both fail to meet at least one of applicants' claimed features. For example, there is no teaching or suggestion in the Office Action's citations to Sites or Fox of the radiation wavelengths that reflect off a carrier of the one or more of the one or more packaging materials to the one or more imaging devices, as recited in applicants' independent claim 1.

Furthermore, the Office Action does not allege that the art of record provides any teaching, suggestion, or incentive for modifying the citations to Sites and/or Fox to provide the claimed configuration.

For all the reasons presented above with reference to claim 1, claims 1 and 15 are believed neither anticipated nor obvious over the art of record. The corresponding dependent

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claims are believed allowable for the same reasons as independent claims 1 and 15 as well as for their own additional characterizations.

Furthermore, independent claim 21 is believed allowable for the same reasons as claim 12. For example, there is no teaching or suggestion in the Office Action's citations to Sites or Fox of employing the first optical component to allow the transmittance of one or more of the one or more radiation wavelengths from the one or more fluorescing excitation sources through the one or more packaging materials and employing the second optical component to allow one or more fluorescing wavelengths emitted by the one or more packaging materials to pass through to the one or more imaging devices.

Furthermore, independent claim 22 is believed allowable for the same reasons as claim 10. For example, there is no teaching or suggestion in the Office Action's citations to Sites or Fox of employing the one or more imaging devices to determine the one or more absorption spectrums of the one or more graphics and employing the one or more irradiation components to emit the one or more of the one or more radiation wavelengths through the one or more optical components, wherein the one or more optical components filter out the one or more absorption spectrums from the one or more of the one or more radiation wavelengths.

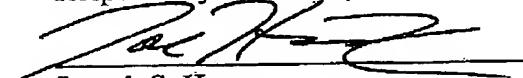
Withdrawal of the §§ 102 and 103 rejections is therefore respectfully requested.

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In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney Carmen B. Patti, Reg. No. 26,784, and applicants' undersigned agent.

Respectfully submitted,



Joseph S. Hanasz
Agent for Applicants
Reg. No. 54,720

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PATTI & BRILL, LLC
Customer Number 32205